UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,308	11/13/2003	Brian King	CONC-BK(U)	2120

7590 04/02/2007

Kerry Sisselman
Concord Camera Corp.
4000 Hollywood Blvd., Suite 650N
Hollywood, FL 33021

EXAMINER	
BOND, CHRISTOPHER H	
ART UNIT	PAPER NUMBER
3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/714,308	KING, BRIAN	
	Examiner	Art Unit	
	Christopher H. Bond	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/01/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

Specification

1. The disclosure is objected to because of the following informalities: -add court— mentioned throughout the specification should read "ad court"; On page 10 of the specification –the graphic shows that the of the last ten balls theplayer–, second to last line on the page, should read "the graphic shows that of the last ten balls the player".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Specifically, the applicant lists 'said format', which lacks antecedent basis as the claim depends on claim 1 which makes no reference to 'format.' It is unclear to what the applicant is trying to claim as his invention, and therefore the claim cannot be examined on the merits.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-6, 16-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Baum USPAT 5,868,578 (Baum).

7. As to claims 1, 5, and 6, Baum discloses a sports analysis and testing system (abstract) which, "includes a plurality of high-speed digital video cameras (data collection unit), each aimed at a player from a different perspective to record their movements and those of a ball in play....a programmed computer (storage device) interfaced to the video cameras and various optional sensors includes application software to generate performance statistics as a function of the pitch (serve), hit (return), and...swing...including real-time measurements of many characteristics, including pitched and batted ball speeds and trajectories (served and returned ball speeds and trajectories)...swing angels (type of swing—i.e. forehand, backhand, etc.)..." Baum further discloses (column 1, lines 41-46) that, "The system is applicable to a variety of different sports, particularly ball-oriented sports, including...tennis...and any other situation wherein a player strikes an object, whether thrown, pitched or returned." The following graphical representation from Baum, Figure 1, clearly shows a

PC with a monitor as well as an 'optional TV display'—which meets the applicant's limitation of having a display for presenting said representation to a view.

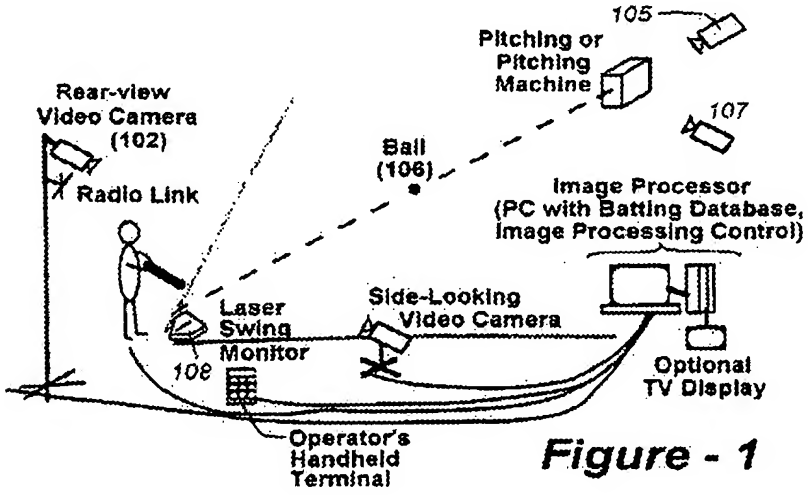

Figure - 1

Figure 6, also from Baum, shown below, illustrates an 'Operator's Keyboard'—which would meet the limitation of an operator interface in communication with said computer system for inputting sort criteria, which also acts as a mechanism for manually entering data into the data collection unit (computer).

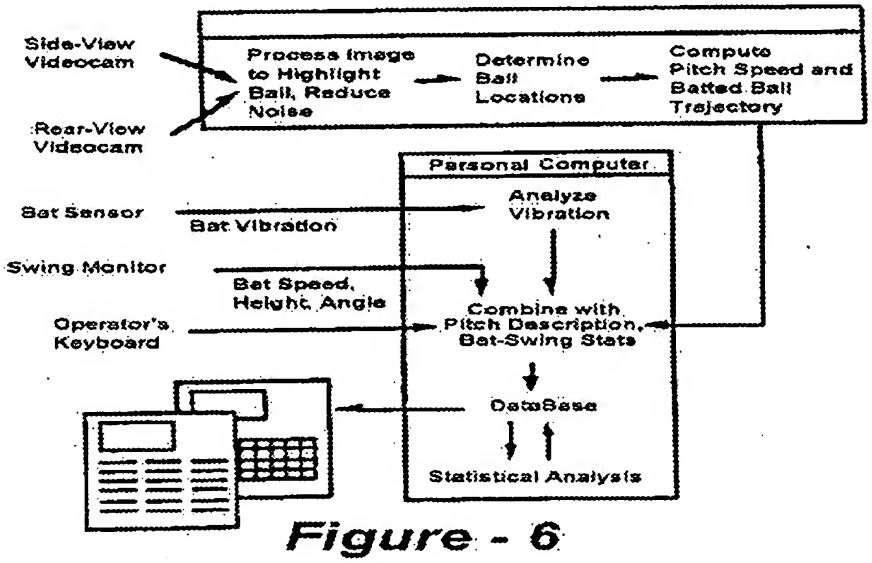

Figure - 6

8. Accordingly, claims 1, 5, and 6 would have been anticipated.

9. As to claims 3 and 4, Baum discloses in Figure 9, a table which provides an extensive list of evaluation parameters both "distance of hits and types" and "Location of hits", as well as "hitting angle" and "Computed simulated swing profile"—which would meet the applicant's limitations of showing tendencies as to the location of where the player hit the ball and the player's stroke type.

10. Accordingly, claims 3 and 4 would have been anticipated.

INPUT DATA AND MEASUREMENTS
Typical Historical Data Pitcher: I.D. Performance Data Batter: I.D. Performance Data Bat: Specification: sweetspot location
Typical Measured Data Pitch • Ball Speed In • Result: Take or swing; strike, ball, foul, hit • Number of swings Hit • Type • Ball Speed Out • Distance, location (trajectory) Bat • Bat Speed • Angle of Swing • Vibration Response • Location of ball-bat contact
Typical Results • Bat speed differences by bat type, length, weight, and balance • Turnaround ratio: Ball speed out over ball speed in • Field hits • Batting average • Misses vs. types of pitch • Distance of hits and types: long ball, liners, bloopers • Location of hits - pull hitter-opposite-center-spray • Amount of hits over threshold levels: 200-250-300-350-400 feet • Power swing data: compare ball speed out by batting weight, etc. • Number of hits per strikes • Number of misses per strikes • Number of hits/misses per strike vs. fastball and curve • Performance at pitch levels of 75, 85, 95 MPH • Swing strength: speed out over bat speed • Comparisons of ability vs. bat type • Ability to hit on sweetspot • Hitting angle upswing degrees vs. type of pitch and hit/miss • Compute simulated swing profile • Determine best bat for hitter • Batter performance prediction • Compute pro profile expected batting average • Specific list of weakness areas to correct • Use data to improve on weak areas for all players • Use video with overlays from computer for scout/management decision • Determine with 90% probability type of hitter • Use sequential tests to determine improvements

Figure - 9

11. As to claims 9-14, the method for analyzing tennis player performance data to show player tendencies, including presenting stored data in at least one of a graphical, statistical, and descriptive format, using sort criteria including type of stroke performed, using at least one sort criteria including the location from which the ball was hit, and the captured data relates to the location to which the player hit the ball merely shows the steps of the system's operation. Since each element must be implemented in order to make the capture/analysis device, the method would have been inherent in view of the device. As previously disclosed, Baum states that typical statistical results include "location of hits". This would anticipate a division of the playing field into discrete locations—i.e. infield, outfield, 1st base, 2nd base, 3rd base, etc., and meets the applicant's limitation of dividing the court into a plurality of discrete locations, and associating data related with player performance to location. Sorting the data would be an inherent part of the statistics software.

12. Accordingly, claims 9-14 would have been anticipated.

13. Further, the method for capturing and analyzing data from a tennis match to show player's tendencies including tendencies relating to the location to which the player hits the ball and a sort criteria includes a player's stroke type merely discloses the steps of the system's operation. Since each element must be implemented in order to make the device, the method would have been inherent in view of the device.

14. Accordingly, claims 16-18 would have been anticipated.

15. As to claim 20, because the method of manually entering data into the data collection unit merely discloses the steps for the device's operation, and since this

element must be implemented in order to make the device, the method would have been inherent in view of the device.

Claim Rejections - 35 USC § 103

16. Claims 7, 8, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baum.

17. As to claim 7, while Baum discloses an input device for entering data, he fails to explicitly disclose having a touch screen for entering data. Touch screens were available and in use at the time the invention was made, so there is no novelty in using a touch screen as an input device for this system. Using a touch screen would have been an obvious choice as a data entry device because of the speed and accessibility in which the user can input data.

18. As to claims 8 and 15, while Baum discloses (column 2, lines 24-25) that, "...the computer preferably includes a wireless communication link," he fails to explicitly disclose that this wireless communication link could act as a means for transmitting data to another device—although it would have been obvious to use this as such, since communication links are used between devices to communicate with and transmit data to one another.

19. Accordingly, claims 8 and 15 would have been at least obvious.

20. As to claim 19, while Baum lists a large number of exemplary statistics computed from the device, he fails to explicitly disclose "game point' as one these sort criteria among statistics. As it has been previously disclosed that Baum's invention is

applicable to a variety of different sports including tennis, and baseball was used as the exemplary embodiment, it would have been in the spirit of the invention to use 'game point' as a tennis-related statistic, and since 'game point' is well-known in the game of tennis, it would have been obvious to use this as a sort criterion in a tennis-based example.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: USPUB 2003/0049590 Feldbau; USPUB 2003/0048415 Echigo et al; USPUB 2002/0155896 Gobush et al.; USPUB 2002/0041284 Konishi et al.; USPUB 2002/0064764 Dickinson; USPUB 2001/0029207 Cameron et al.; USPAT 6,821,211 Otten et al.; USPAT 6,537,076 McNitt et al. ; USPAT 5,976,022 Williams ; USPAT 5,923,365 Tamir et al. ; USPAT 5,768,151 Lowy et al. ; USPAT 5,638,300 Johnson ; USPAT 5,625,577 Kunii et al. ; USPAT 5,363,297 Larson et al. ; USPAT 4,751,642 Silva et al as these all relate to video capture sports analysis devices, and USPUB 2002/0015060 Honjas, as this invention relates to a statistical presentation device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H. Bond whose telephone number is (571)-272-9760. The examiner can normally be reached on 9:30am - 6pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher H Bond
Examiner
Art Unit 3714

CHB

Bond

XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC3700